

Department of Public Health
and Human Services

Section:
INCOME

FAMILY MEDICAID

Subject:
Native American Income

Supersedes: FMA 501-2, 01/01/03

References: ARM 37.82.101 and 703

GENERAL RULE: All unearned income received by the household must be considered when determining eligibility. Even if income will be excluded per policy, it **must** be listed on the UNearned INcome screen (UNIN). Case notes must be documented with explanation of why the income was excluded. Examples of documentary evidence of income are listed in FMA 500. The following is a list of unearned Native American income and how the income is to be coded on the UNIN screen.

**For BIA general assistance, see “Assistance payments” in 501-1.
For non-Indian lease or royalty income, see “Lease or royalty income” in 501-1**

INDIAN MONIES

Indian Monies may be countable or excluded depending on the source and amount.

EXCLUDED SOURCES: (Code ‘ID’ on UNIN)

1. Payments of up to \$2000 per individual per calendar year that are derived from leases or other uses of **individually-owned** trust or restricted lands. The amount in excess of \$2,000 must be counted.
2. Interest earned on all Indian funds/resources.
3. Judgment claim payments under:
 - P.L. 97-408 to the Blackfeet, Gros Ventre and Assiniboine Tribes of Montana and Papago, Arizona Tribe;
 - Alaska Native Claims Settlement Act (P.L. 92-203);
 - P.L. 93-532, Section 22 to Navajo or Hopi Indians as financial or relocation assistance;
 - P.L. 94-540 to Grand River Band of Ottawa Indians;
 - P.L. 95-433 by the Indian Claims Commission to the Confederated Tribes and Bands of the Yakima Indian Nation or the Apache Tribe of the Mescalero Reservation;
 - P.L. 96-420 to Passamaquoddy Tribe and Penobscot Nation pursuant to the Maine Indian Claims Settlement Act of 1980;
 - P.L. 97-403 to the Turtle Mountain Band of Chippewas;

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- P.L. 98-123, Section 3, to the Red Lake Band of Chippewa Indians;
 - P.L. 99-264 to the White Earth Band of Chippewa Indians in Minnesota;
 - P.L. 99-346 to the Saginaw Chippewa Indian Tribe of Michigan;
 - P.L. 101-41 to the Puyallup Tribe of Indians Settlement Act to members of the Puyallup Tribe in Washington;
 - P.L. 101-503, Section 8 (b) to the Seneca Nation;
 - P.L. 103-436, Section 7 (b) Grand Coulee Dam Settlement Act to the Confederated Tribes of the Colville Reservation;
 - 25 USCS 1931 Indian Child Welfare assistance;
 - P.L. 98-500, Section 8, Old Age Assistance Claim Settlement Act except for per capita payments in excess of \$2000;
 - Payments to the Seminole Nation of Oklahoma, Seminole Tribe of Florida, Miccosukee Tribe of Florida and independent Seminole Indians of Florida except for per capita payments in excess of \$2000.
4. Payments derived from submarginal lands held in trust for the following tribes under P.L. 94-114:
- Bad River Band of the Lake Superior Tribe of Chippewa Indians of Wisconsin;
 - Blackfeet Tribe;
 - Cherokee Nation of Oklahoma;
 - Cheyenne River Sioux Tribe;
 - Crow Creek Sioux Tribe;
 - Lower Brule Sioux Tribe;
 - Devils Lake Sioux Tribe;
 - Fort Belknap Indian Community;
 - Assiniboine and Sioux Tribes;
 - Lac Courte Oreilles Band of Lake Superior; Chippewa Indians;
 - Keweenaw Bay Indian Community;
 - Minnesota Chippewa Tribe;
 - Navajo Tribe;
 - Oglala Sioux Tribe;
 - Rosebud Sioux Tribe;
 - Shoshone-Bannock Tribes;
 - Standing Rock Sioux Tribe.

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5. Per capita to enrolled members of the following tribes when distributed under:

P.L. 98-124, Section 5

- Assiniboine Tribe of the Fort Belknap Indian Community and Assiniboine Tribe of the Fort Peck Indian Reservation.

P.L. 99-146, Section 6 (b), Docket 18S and 18U

- Bad River Reservation;
- Lac du Flambeau Reservation;
- Lac Courte Oreilles Reservation;
- Sokaogon Chippewa Community;
- Red Cliff Reservation;
- St. Croix Reservation;
- Keweenaw Bay Indian Community;
- Fond du Lac Reservation;
- Grand Portage Reservation;
- Nett Lake Reservation;
- White Earth Reservation.

P.L. 99-146, Section 6 (b), Docket 18C and 18T

- Lac Courte Oreilles Band of the Lake Superior Bands of Chippewa Indians;
- Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation;
- Sokaogon Chippewa Community of the Mole Lake Band of Chippewa Indians;
- St. Croix Chippewa Indians of Wisconsin.

P.L. 99-377 Section 4 (b)

- Chippewas of the Mississippi

P.L. 94-189

- Sac and Fox Tribe of the Mississippi, Iowa and Oklahoma

P.L. 97-458, 93-134 and 98-64

- Any other per capita payments of up to \$2000 per person, per payment, from funds held in trust by the Secretary of the Interior.

COUNTABLE SOURCES:



1. Amounts exceeding \$2000 per individual per calendar year received from leases or other uses of **individually-owned** trust or restricted lands. Code the amount up to and including \$2000 as 'ID' on the UNIN screen each month for the calendar year. When the amount received exceeds \$2000 for the calendar year, the payments become countable in the month the total exceeds \$2000. The best estimate of this year's income will be made on the

previous 12-month's receipts of lease income as long as no significant change is expected.

► **NOTE:** When a significant change is expected within the next year, schedule the redetermination for the month prior to the month of the expected significant change.

► Always use the 12 months immediately preceding the month of application. For example, if application is made in 11-04, the previous 12-month period to be used is 11-03 through 10-04. At redetermination in 11-05, verification of payments received from 11-04 through 10-05 will be used to prospect future payments. Do not use the previous calendar year (Jan-Dec) unless an application is received in January.

► **NOTE:** If a new coverage request is received (such as previous coverage was for children only, and now mom also wants coverage), the same 12 month period is used to determine the new person's eligibility.

For example, Tim and Scott applied for Medicaid in 10-04 and are approved. Payment history used to determine \$2000 exclusion is 10-03 thru 9-04. In 5-05, Tammy (Scott's mother) moves back into the home and requests coverage. The 12-month period to be used to determine Tammy's \$2000 exclusion continues to be 10-03 thru 9-04. The eligibility case manager should ask for Tammy's payment history for this period.

► Count the amount over \$2000 as excess income in the month received, if income can be prospected (code 'OA'). If income cannot be prospected (such as there is no history), it is excluded and a TEAMS case note is the only action necessary on TEAMS.

2. Bureau of Indian Affairs (BIA) payments (TEAMS code 'OT' on UNIN);
3. Tribal payments (TEAMS code 'OT' on UNIN);
4. Farm and grazing lease income from land other than trust or restricted lands.(TEAMS code 'LE' on UNIN);
5. Oil and gas royalties income from land other than trust or restricted lands.(TEAMS code 'RO' on UNIN);

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6. Mineral rights income from land other than trust or restricted lands.(TEAMS code 'LE' on UNIN);
7. Transfers of countable monies from other Indian agencies.

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